

ORDINANCE NO. 2010-08

AN ORDINANCE, amending WCC 2.11.010, 2.11.030, 2.11.060, 2.11.070, 2.06.020, 5.76.190, 7.12.040, 7.12.100, 9.12.490, 9.13.070, and 6A.14.020 as they relate to enforcement of civil infractions, and repealing WCC 2.11.055 (4), 7.12.050, 6A.14.030, and 6A.14.040.

The City Council of the City of Wenatchee do ordain as follows:

SECTION I

Ordinance No. 2001-02, codified at WCC 2.11.010, shall be and hereby is amended to read as follows:

“2.11.010 Applicability of Chapter. The provisions of this Chapter shall apply to enforcement of the following Chapters of the Wenatchee Municipal Code, and the Chelan County Shoreline Master Plan: Chapter 2.07 WCC (Housing Code); WCC Title 10 (Zoning Code); Chapter 10.62 WCC (Landscape Code); Chapter 12.08 WCC (Resource Lands and Critical Areas); WCC 6A.34.130 (Appeal of Administrative Decision Regarding Burglar Alarms); Chapter 6A.16 WCC (Weeds, Trees and Growth); WCC 6A.10.060-.070 (Abandoned Refrigerators and Freezers and Storage Lockers); WCC 6A.10.080 (Hunting); WCC 6A.10.090 (Tormenting or Harassing Birds and Animals); WCC 6A.10.100 (Prevention of Cruelty to Animals); WCC Chapter 2.06 (Permits); Chapter 4.10 WCC (Stormwater Illicit Discharge Detection and Elimination); WCC Chapter 5.76 (Business Licenses); WCC Chapter 7.12 (Trees and Hedges); WCC Chapter 9.12 (Water – Rules and Regulations); WCC Chapter 9.13 (Cross Connection Control); Title 11 (Subdivisions); Title 13 (Administration of Development Regulations); and WCC Chapter 6A.14 (Nuisances).

SECTION II

Ordinance No. 2001-02, as it pertains to WCC 2.11.030(11)(a), shall be and hereby is amended to read as follows:

“2.11.030 Definitions.

(11) "Ordinance" means and includes the following as now or hereafter amended:

(a) The provisions of this Chapter shall apply to enforcement of the following Chapters of the Wenatchee Municipal Code, and the Chelan County Shoreline Master Plan: Chapter 2.07 WCC (Housing Code); WCC Title 10 (Zoning Code); Chapter 10.62 WCC (Landscape Code); Chapter 12.08 WCC (Resource Lands and Critical Areas); WCC 6A.34.130 (Appeal of Administrative Decision Regarding Burglar Alarms); Chapter 6A.16 WCC (Weeds, Trees and Growth); WCC 6A.10.060-.070 (Abandoned Refrigerators and Freezers and Storage Lockers); WCC 6A.10.080 (Hunting); WCC 6A.10.090 (Tormenting or Harassing Birds and Animals); WCC 6A.10.100 (Prevention of Cruelty to Animals); WCC Chapter 2.06 (Permits); Chapter 4.10 WCC (Stormwater Illicit Discharge Detection and Elimination); WCC Chapter 5.76 (Business Licenses); WCC Chapter 7.12 (Trees and Hedges); WCC Chapter 9.12 (Water – Rules and Regulations); WCC Chapter 9.13 (Cross Connection Control); Title 11 (Subdivisions); Title 13 (Administration of Development Regulations); and WCC Chapter 6A.14 (Nuisances).

SECTION III

Ordinance No. 2008-05, Section 1, and Ordinance No. 2001-02, Section 2, as they pertain to WCC 2.11.055(3), shall be and hereby are modified to read as follows:

"2.11.055 Monetary Penalty.

(3) Collection of Monetary Penalty.

(a) The monetary penalty constitutes a personal obligation of the person to whom the notice of violation is directed. Any monetary penalty assessed must be paid to the City of Wenatchee within ten (10) calendar days from the date of mailing of the Code Enforcement Board's decision or a notice from the City that penalties are due.

(b) The mayor or his/her designee is authorized to take appropriate action to collect the monetary penalty.

(c) The Director of the Department of Community Development is authorized to reduce monetary penalties assessed by the Code Enforcement Board up to 90% of the final billing for first time violators upon abatement of the violation and up to 100% of the final billing for first time violators upon abatement of the violation, if the person responsible for the violation is the current owner/occupant or purchaser/occupant of the property under a valid land sales contract and the gross family income is no more than 50% of the Chelan County median income based on family size. The Director of the Department of Community Development's decision to reduce or not reduce a monetary penalty shall not be appealable.

(d) The Code Enforcement Board is authorized to reduce monetary penalties previously assessed by it for all violators to as low as 10% of the final billing upon abatement of the violation. The Code Enforcement Board's decision to reduce or not reduce a monetary penalty shall not be appealable."

SECTION IV

Ordinance No. 2003-13, Section 2, as it pertains to WCC 2.11.055(4), shall be and hereby is repealed.

SECTION V

Ordinance No. 2005-05, as it pertains to WCC 2.11.060(7), shall be and hereby is modified to read as follows:

"2.11.060 Hearing Before the Code Enforcement Board.

(7) Appeal.

(a) Code Enforcement Decisions. The decision of the Code Enforcement Board shall be final unless within thirty (30) days of the date of the decision a written request for appeal is filed with the Department of Community Development.

(b) Daily Monetary Penalties. Any ongoing daily monetary penalties imposed by the Code Enforcement Board shall be final unless within thirty (30) days of the date the daily monetary penalty took effect a written request for appeal is filed with the Department of Community Development.

(c) Appeal Hearing. Appeals under this Chapter shall be heard and determined by the City's Hearing Examiner. Appeals submitted to the Hearing Examiner shall be resolved within sixty (60) days from the date of filing and a transcript of the Findings of Fact of the Hearing Examiner shall be made available to the owner or other party in interest upon demand."

SECTION VI

Ordinance No. 2001-02, Section 2, as it pertains to WCC 2.11.070(4), shall be and hereby is amended to read as follows:

"2.11.070 Abatement by the City.

(4) Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the owner or other party of interest responsible for the violation and shall become due and payable to the City of Wenatchee within ten (10) calendar days. The term "incidental expense" shall include, but not be limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work and the costs of any required printing and mailing.

(a) If the costs incurred by the City for repairs, alterations or improvements, or of vacating and closing, or of demolition and removal are not paid after a written demand upon the owner and other persons named as responsible parties in the complaint, such costs shall be assessed against the property for which the costs were incurred in the manner provided below.

(b) If the building is removed or demolished by the City, the Director of the Department of Community Development shall, if possible, sell the salvable materials from the building and shall apply the proceeds of the sale to the reimbursement of the costs of demolition and removal. Any funds remaining shall be paid to the owner.

(c) After notice to the owner that all or a portion of the costs have not been paid, the Director of the Department of Community Development shall certify the amount owing to the Chelan County Treasurer for assessment.

(d) Upon certification by the City Director of the Department of Community Development of the amount due and owing, the Chelan County Treasurer or his/her designee shall enter the amount of the assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City.

(e) The assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes as provided for in RCW 35.80.030(1)(h)."

SECTION VII

Chapter 2.06 WCC shall be amended by adding the following Section:

"2.06.020 Violations. Every person charged with a violation of this Chapter shall be subject to Chapter 2.11 of the Wenatchee City Code."

SECTION VIII

WCC 5.76.190 shall be amended in its entirety to read as follows:

"5.76.190 Violations. Every person charged with a violation of this Chapter shall be subject to Chapter 2.11 of the Wenatchee City Code."

SECTION IX

WCC 7.12.040 shall be amended to read as follows:

"7.12.040 Planting Violations – Penalty. It shall be unlawful for any person, firm, or corporation to plant, grow, or permit to be grown any tree or trees of any variety except as herein mentioned or in any manner other than herein provided, and it shall be unlawful to grow any hedge in outside parking strips, and any person violating the provisions of this section shall be subject to Chapter 2.11 of the Wenatchee City Code. The presence of a tree or trees of any other variety than as herein specified or growing in a parking strip in any other manner than herein provided shall be prima facia proof of the violation of this section on the part of the owner or occupant of the abutting property."

SECTION X

WCC 7.12.050 shall be repealed in its entirety.

SECTION XI

WCC 7.12.060 shall be renumbered as Section 7.12.050.

SECTION XII

WCC 7.12.100 shall be renumbered as Section 7.12.060 and amended to read as follows:

“7.12.060 Violations. Every person charged with a violation of this Chapter shall be subject to Chapter 2.11 of the Wenatchee City Code.”

SECTION XIII

WCC 9.12.490 shall be amended to read as follows:

“9.12.490 Violations. Any person charged with a violation of this Chapter shall be subject to Chapter 2.11 of the Wenatchee City Code.”

SECTION XIV

Chapter 9.13 WCC shall be amended by the addition of the following Section:

“9.13.070 Violations. In addition to the remedies set forth in Section 9.13.060, any person charged with a violation of this Chapter shall be subject to Chapter 2.11 of the Wenatchee City Code.”

SECTION XV

WCC 6A.14.020(2) shall be amended to read as follows:

“6A.14.020 Maintaining or Permitting a Public Nuisance.

(2) Any person charged with a violation of WCC 6A.14.020(1) shall be subject to Chapter 2.11 of the Wenatchee City Code.”

SECTION XVI

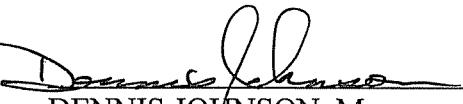
WCC 6A.14.030 and 6A.14.040 shall be repealed in their entirety.

SECTION XVII

This Ordinance shall take effect thirty (30) days from and after publication
as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF
WENATCHEE at a regular meeting thereof, this 22 day of April, 2010.

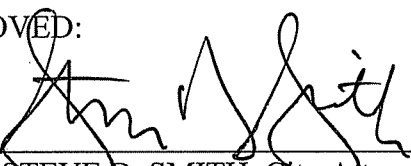
CITY OF WENATCHEE, a municipal
Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
TAMMY L. STANGER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney